

REMARKS

This is in full and timely response the non-final Office Action mailed on April 2, 2008.

Claims 1, 3-4 and 9-38 are currently pending in this application, with claims 1, 9 and 17 being independent.

No new matter has been added.

Reexamination in light of the following remarks is respectfully requested.

Prematureness

Applicant, seeking review of the prematureness of the final rejection within the Final Office Action, respectfully requests reconsideration of the finality of the Final Office Action for the reasons set forth hereinbelow. See M.P.E.P. §706.07(c).

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a **new non-final Office Action** is respectfully requested.

Rejection under 35 U.S.C. §103

The arguments presented within the Amendment in Response to Non-Final Office Action filed on December 18, 2007 are incorporated by reference.

This rejection is traversed at least for the following reasons.

The claims include the features and steps of *determining if an identification code for said portable electronic device is listed on a negative list,*

a presence of said identification code on said negative list identifying said portable electronic device as a disabled device and

an absence of said identification code from said negative list identifying said portable electronic device as an enabled device.

The Office Action readily admits an absence of these features within UK Patent Application No. GB 2 303 956 to Nonaka et al. (**Nonaka**), Japanese Application Publication number 11-161832 (**Purse Japan:KK**), and Japanese Application Publication number 62-264364 (**Kamimura**) (Office Action at page 6). U.S. Patent No. 5,679,938 (Templeton) has been cited to account for these features.

In response, **Templeton** arguably teaches that the magnetic stripe reader includes a magnetic read head (not shown) positioned adjacent a card swipe slot 70, and is operative for electronically reading a magnetic stripe 75 on the back of a identification card 80 or data card (not shown) (Templeton at column 12, lines 13-16).

An "identification card" can mean a drivers license or other card bearing identifying information associated with a customer (Templeton at column 9, lines 58-60).

The identifying information typically includes the customer's name and address, and may also include the customer's date of birth, social security number, drivers license number, other identifying numbers, gender, etc. (Templeton at column 9, lines 60-63).

In this regard, Templeton fails to teach *information on a deposited amount of money being stored in identification card 80 or data card in the form of electronic money representing a monetary value.*

Templeton arguably teaches that the MICR reader includes a MICR read head (not shown) positioned adjacent a MICR slot 55, and is operative for electronically reading the MICR characters 60 on a check 65 (Templeton at column 12, lines 9-13).

Templeton arguably teaches that the host computer 35 then accesses the negative file 85, which contains bad check data that has been accumulated by the check acceptance service (Templeton at column 13, lines 18-20).

However, Templeton fails to disclose, teach, or suggest the “bad check data” as including an identification code for the check 65.

Instead, Templeton arguably teaches that this data may be accessed using the customer's checking account number, drivers license number, or other transaction data (Templeton at column 13, lines 20-22).

Templeton arguably teaches that the negative file 85 includes data indicating that previous checks tendered by the customer were returned for some reason, and have not been collected (Templeton at column 13, lines 22-25).

However, Templeton fails to disclose, teach, or suggest the “previous checks” and check 65 as being one in the same.

Thus, Templeton fails to disclose, teach, or suggest the features and steps of *determining if an identification code for said portable electronic device is listed on a negative list*.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Official Notice

There is no concession as to the veracity of Official Notice, if taken in any Office Action.

An affidavit or document should be provided in support of any Official Notice taken. 37 CFR 1.104(d)(2), MPEP § 2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

Fees

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Conclusion

This response is believed to be a complete response to the Office Action. Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: May 28, 2008

Respectfully submitted,

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